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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

IN RE ONLINE DVD RENTAL  
ANTITRUST LITIGATION

Master File No.: 4:09-md-2029 PJH (JCS)  
MDL No. 2029

Hon. Phyllis J. Hamilton

This document relates to:

All Actions

**NETFLIX'S (1) WITNESS LIST, (2)  
DEPOSITION TESTIMONY  
DESIGNATIONS, (3) WRITTEN  
DISCOVERY RESPONSE  
DESIGNATIONS, AND (4) EXHIBIT  
LIST FOR TRIAL**

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# **I. WITNESS LIST**

Defendant Netflix, Inc. identifies the following witnesses to be called at trial either in person or by deposition, while reserving its right, pursuant to Pretrial Order No. 4, to call additional witnesses not listed below for “impeachment or rebuttal” purposes and to call any witness listed on Plaintiffs’ witness list for any purpose:

<i><b>Witness</b></i>	<i><b>Description of Testimony</b></i>
Antioco, John	Blockbuster’s entry into the online DVD rental business, business strategy, investment in acquiring new subscribers; Walmart was not a significant competitor; Blockbuster could not understand why Walmart was in the DVD rental business; Blockbuster pricing; the \$14.99 price drop by Blockbuster in December 2004 was not sustainable, and Blockbuster always intended to raise the price; reasons Blockbuster raised its prices to \$17.99 in August 2005; economics of the DVD rental business
Becker, Jessica Teitz	Netflix’s negotiations and agreement with Walmart and promotion of Walmart following the promotion agreement
Coleman, Mary	Expert opinion that Plaintiffs have incurred no damages, that Plaintiffs’ theory of damages in the case is defective and lacks sufficient support in evidence or economic theory to provide a basis for recovery, and that the opinions of Plaintiffs’ expert Dr. Beyer are incorrect; expert opinion concerning a principled, reasonable basis from which to measure damages should a fact finder find that liability exists.
Custodian of Records, Netflix	Netflix document authentication and admissibility as evidence
Custodian of Records, Walmart.com	Walmart document authentication and admissibility as evidence
Eastman, Bryan	Home entertainment options used during the relevant time period; subscription to and use of Netflix’s service; amounts paid to subscribe to the Netflix service; motivation for participating in this lawsuit

1 2 3 4 5	Evangelist, Shane	Blockbuster's entry into the online DVD rental business, business strategy, investment in acquiring new subscribers; Walmart was not a significant competitor; Blockbuster could not understand why Walmart was in the DVD rental business; Blockbuster pricing; the \$14.99 price drop by Blockbuster in December 2004 was not sustainable and Blockbuster always intended to raise the price; reasons Blockbuster raised its prices to \$17.99 in August 2005; economics of the DVD rental business
6 7 8	Fleming, John	Walmart's entry into and exit from the online DVD rental business; reasons why Walmart exited the business; Walmart's finances and economic inviability; communications between Netflix and Walmart; Walmart's independent decision to exit the business; the lack of any agreement that Netflix not sell new DVDs
9 10 11	Hanssens, Dominique	Expert opinion addressing relevant principles of marketing strategy and how the online DVD rental subscription business does not fit with Wal-Mart's strategy and competencies, and why Wal-Mart was unsuccessful in its endeavor; expert opinion explaining why the opinion of Plaintiff expert Gregory Gundlach is defective and incorrect
12 13 14 15 16 17	Hastings, Reed	Netflix's history, business, strategy, pricing, competition in the online DVD rental business, relevant market, competition from other home entertainment alternatives, decision to get out of and not re-enter the business of selling new DVDs, Walmart's failure to build a significantly competitive DVD rental business, communications with Walmart, lack of discussions with Walmart regarding Netflix's sale of new DVDs, agreements with Walmart, freedom to sell new DVDs after the Walmart promotional agreement, business developments since the Walmart promotional agreement, and denial of Plaintiffs' allegations in this case
18 19 20 21	Kilgore, Leslie	Netflix's marketing strategy, pricing, importance of free trials to the growth of Netflix, business strategy behind the agreement with Walmart, competition in the online DVD rental business, relevant market, competition from other home entertainment alternatives, and Walmart's failure to build a significantly competitive DVD rental business
22 23	Latham, Amy	Home entertainment options used during the relevant time period; subscription to and use of Netflix's service; amounts paid to subscribe to the Netflix service; motivation for participating in this lawsuit
24 25	Magee, Stan	Home entertainment options used during the relevant time period; subscription to and use of Netflix's service; amounts paid to subscribe to the Netflix service; motivation for participating in this lawsuit

1 2 3 4 5	McCarthy, Barry	Netflix's pricing, finances, financial decisions, competition from relevant market, competition from other home entertainment alternatives, decision to get out of and not re-enter the business of selling new DVDs, Walmart's failure to build a significantly competitive DVD rental business, communications with Walmart, lack of discussions with Walmart regarding Netflix's sale of new DVDs, freedom to sell new DVDs after the Walmart promotional agreement, business developments since the Walmart promotional agreement, and denial of Plaintiffs' allegations in this case
6 7 8	Nave, Steven	Walmart's independent decision to exit from the online DVD rental business; Walmart's finances and economic inviability; reasons why Walmart exited the business; actions taken by Walmart to prepare to shut down the business; the lack of any agreement that Netflix not sell new DVDs
9 10	Neasmith, Catherine	The increase in Netflix's total video titles and discs each quarter during the relevant time period following the promotion agreement with Walmart
11 12 13 14 15 16 17	Ordoover, Janusz	Expert opinion addressing the application of economic principles to the facts of the case; expert opinion that Walmart failed to build a significantly competitive DVD rental business, Walmart's exit from the online DVD rental business resulted in no anticompetitive effects, that continued competition following Walmart's exit resulted in priced decreases and an increase in quality and output over the class period, that Walmart's exit was consistent with its economic incentives, that there is no evidence from which to infer that Netflix would have otherwise entered new DVD sales, and that the opinion of Plaintiffs' expert Dr. Beyer is lacking in evidentiary support and valid economic theory; additional expert opinions as contained in the expert reports of Dr. Ordoover produced in this case
18 19	Orozco, Michael	Home entertainment options used during the relevant time period; subscription to and use of Netflix's service; amounts paid to subscribe to the Netflix service; motivation for participating in this lawsuit
20 21 22	Randolph, Marc	Netflix's history, business, strategy, competition in the online DVD rental business, relevant market, competition from other home entertainment alternatives, decision to get out of and not re-enter the business of selling new DVDs
23 24	Resnick, Andrea	Home entertainment options used during the relevant time period; subscription to and use of Netflix's service; amounts paid to subscribe to the Netflix service; motivation for participating in this lawsuit
25 26	Salvi, Melanie	Home entertainment options used during the relevant time period; subscription to and use of Netflix's service; amounts paid to subscribe to the Netflix service; motivation for participating in this lawsuit

1 2 3	Sevick, Matthew	Walmart's independent decision to exit from the online DVD rental business; Walmart's finances and economic inviability; reasons why Walmart exited the business; actions taken by Walmart to prepare to shut down the business; the lack of any agreement that Netflix not sell new DVDs
4 5	Sivek, Liza	Home entertainment options used during the relevant time period; subscription to and use of Netflix's service; amounts paid to subscribe to the Netflix service; motivation for participating in this lawsuit
6 7 8 9	Stabingas, Mark	Amazon's contemplated entry into the U.S. online DVD rental business; Amazon did not view Walmart as a significant competitor in the online DVD rental space; an agreement to have Netflix promote Amazon's DVD sales would not necessarily require an agreement by Netflix to not sell DVDs itself; other forms of home entertainment compete with online DVD rentals; Amazon had no agreement with Netflix not to enter the online DVD rental space; Amazon's promotional agreement with Netflix
10 11	Stevenson, Bryan	Blockbuster document authentication and admissibility as evidence
12 13 14 15	Sussman, Ari	Walmart's entry into and exit from the online DVD rental business; reasons why Walmart exited the business; Walmart's finances and economic inviability; communications between Netflix and Walmart; Walmart's independent decision to exit the business; the lack of any agreement that Netflix not sell new DVDs
16 17 18	Swint, Kevin	Walmart's entry into and exit from the online DVD rental business; reasons why Walmart exited the business; Walmart's finances and economic inviability; communications between Netflix and Walmart; Walmart's independent decision to exit the business; the lack of any agreement that Netflix not sell new DVDs
19 20 21 22 23	Tran, Mark	Blockbuster's entry into the online DVD rental business, business strategy, investment in acquiring new subscribers; Walmart was not a significant competitor; Blockbuster could not understand why Walmart was in the DVD rental business; Blockbuster pricing; the \$14.99 price drop by Blockbuster in December 2004 was not sustainable and Blockbuster always intended to raise the price; reasons Blockbuster raised its prices to \$17.99 in August 2005; economics of the DVD rental business; Blockbuster never reacted to any pricing changes by Walmart

1 2 3 4 5 6 7 8 9 10 11 12	Van der Meulen, Jorrit	Amazon's contemplated entry into the U.S. online DVD rental business; Walmart was not a significant competitor in the online DVD rental space; Amazon would have faced a tax issue if it entered the U.S. online DVD rental business and created a nexus with the states that wanted to tax it; Amazon decided not to enter the U.S. because it would be a money-losing venture; Netflix and Blockbuster were competing aggressively and driving prices down; even after Blockbuster raised its prices in August 2005, prices were still too low for Amazon to enter the U.S. business
13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	Vazquez, Raul	Walmart's entry into and exit from the online DVD rental business; reasons why Walmart exited the business; Walmart's finances and economic inviability; communications between Netflix and Walmart; Walmart's independent decision to exit the business; the lack of any agreement that Netflix not sell new DVDs; the process of garnering marketing resources within Walmart.com and the difficulty the DVD rental businesses had in receiving such funds in order to gain competitive traction
	Wiener, Michael	Home entertainment options used during the relevant time period; subscription to and use of Netflix's service; amounts paid to subscribe to the Netflix service; motivation for participating in this lawsuit

## II. DEPOSITION TESTIMONY DESIGNATIONS

Defendant Netflix, Inc. hereby designates the following deposition testimony (both written transcript and corresponding video) for use at trial in this action, while reserving its right to use additional deposition testimony not listed below for "impeachment or rebuttal" purposes and to use any transcript portions designated by Plaintiffs for any purpose:

<i>Witness</i>	<i>Date</i>	<i>Designated Transcript Lines</i>
Antiocho, John	11/23/2010	7:2 - 7:7; 7:21 - 8:4; 8:4 - 9:2; 32:14 - 38:7; 85:7 - 86:22; 108:19 - 111:13; 112:5 - 112:18
Evangelist, Shane	10/26/2010 10/27/2010	7:4 - 7:12; 8:9 - 8:14; 16:22 - 17:1; 19:17 - 21:4; 21:18 - 21:21; 42:3 - 42:7; 42:18 - 42:21; 68:8 - 68:21; 69:14 - 69:18; 75:6 - 76:11; 126:7 - 128:5; 170:1 - 170:21; 176:5 - 178:10; 178:11 - 181:18; 194:20 - 196:22; 202:22 - 204:5; 268:16 - 271:21; 274:15 - 276:12; 286:5 - 286:22; 288:1 - 288:20; 300:6 - 300:20; 341:4 - 341:12; 345:21 - 350:18; 355:11 - 357:6; 361:18 - 363:3; 363:13 - 364:17; 368:21 - 370:20; 373:8 - 376:2; 376:3 - 382:16; 382:17 - 384:13; 384:14 - 386:13; 388:3 - 388:7; 394:22 - 397:20; 443:21 - 447:14; 492:16 - 494:1

1	Fleming, John	10/5/2010 10/6/2010	9:3 - 9:13; 10:5 - 11:21; 15:6 - 21:16; 15:21 - 19:18; 23:4 - 31:8; 31:8 - 44:19; 47:3 - 47:8; 103:16 - 104:4; 157:9 - 158:2; 171:6 - 172:20; 197:6 - 198:17; 198:18 - 199:1; 200:16 - 205:5; 214:16 - 216:6; 226:8 - 226:15; 233:9 - 234:6; 248:21 - 251:20; 259:3 - 259:18; 262:9 - 262:11; 262:15 - 265:8; 265:21 - 266:19; 268:20 - 270:4; 277:19 - 278:4; 279:4 - 279:13; 280:3 - 280:8; 281:20 - 284:20; 293:17 - 295:3; 299:3 - 301:1; 301:19 - 303:19; 313:3 - 313:6; 329:12 - 329:21; 335:21 - 336:5; 343:3 - 344:12; 347:21 - 348:19; 352:8 - 356:22; 357:17 - 358:20
7	McCarthy, Barry	9/10/2010	7:4 - 7:10; 8:12 - 8:18; 20:15 - 21:3; 22:2 - 22:9; 26:16 - 30:14; 50:9 - 50:12; 51:6 - 51:15; 52:1 - 52:20; 55:18 - 56:16; 60:19 - 62:1; 64:2 - 66:13; 69:8 - 70:4; 88:20 - 89:1; 89:10 - 89:14; 91:16 - 92:11; 116:7 - 117:2; 119:11 - 122:7; 127:1 - 128:5; 143:9 - 144:9; 160:10 - 162:5; 162:6 - 163:12; 206:18 - 210:22; 213:2 - 216:3
11	Nave, Steven	7/15/2010	7:7 - 7:12; 8:7 - 8:9; 8:19 - 9:1; 11:7 - 11:13; 22:10 - 22:19; 24:7 - 25:6; 91:20 - 92:17; 96:19 - 98:10; 100:3 - 100:16; 109:22 - 111:5; 121:9 - 123:9; 129:8 - 129:12; 129:21 - 130:16; 130:20 - 131:7; 142:7 - 142:22; 147:6 - 148:4; 153:12 - 162:21; 164:21 - 165:17
14	Sevick, Matthew	10/20/2010	7:5 - 7:9; 7:22 - 8:6; 10:16 - 12:18; 14:6 - 14:14; 32:10 - 32:14; 32:18 - 33:12; 36:20 - 37:15; 37:16 - 38:9; 38:10 - 39:11; 82:20 - 83:12; 94:12 - 97:7; 100:6 - 100:10; 102:5 - 104:20; 112:20 - 114:3; 118:22 - 120:5; 121:11 - 122:12; 122:19 - 124:8; 125:16 - 126:7
17	Stabingas, Mark	5/11/2010	6:4 - 6:14; 6:17 - 7:3; 9:11 - 9:20; 13:1 - 13:6; 13:22 - 14:1; 14:2 - 14:15; 20:20 - 22:16; 53:14 - 53:22; 71:10 - 71:20; 116:6 - 116:21; 128:14 - 129:7; 163:15 - 166:15; 172:22 - 173:4; 181:17 - 182:4
19	Stevenson, Bryan	11/18/2010	35:2 - 35:3; 36:3 - 36:17; 36:17 - 37:2; 132:21 - 134:18; 135:11 - 140:9; 140:9 - 140:16; 141:6 - 146:16; 151:3 - 155:1; 155:20 - 156:21; 156:22 - 159:2; 159:2 - 183:1
22	Sussman, Ari	5/24/2010	8:9 - 8:16; 9:14 - 10:3; 13:10 - 13:12; 22:14 - 25:16; 26:12 - 29:14; 29:22 - 38:16; 40:9 - 41:7; 41:16 - 44:16; 46:4 - 46:8; 66:18 - 67:7; 71:7 - 72:21; 74:4 - 74:8; 75:8 - 75:20; 76:20 - 78:10; 83:10 - 84:6; 98:9 - 102:18; 107:12 - 107:22; 110:16 - 112:10; 113:22 - 115:21; 117:12 - 118:19; 120:16 - 122:17; 126:17 - 128:8; 130:2 - 130:19; 136:9 - 137:14; 138:6 - 142:18; 148:1 - 150:8; 152:1 - 152:21; 157:8 - 158:7; 159:18 - 160:1; 169:21 - 171:10; 172:3 - 172:12; 174:7 - 175:5; 185:12 - 187:18; 210:3 - 211:10; 213:2 - 216:17; 220:20 - 221:15; 223:3 - 224:18; 233:4 - 234:21; 235:21 - 236:7; 244:19 - 245:3; 246:4 - 246:18



Sussman, Ari	10/16/2010	7:1 - 7:7; 8:3 - 8:11; 8:14 - 10:8; 11:9 - 11:17; 12:9 - 12:17; 12:20 - 13:20; 14:3 - 27:22; 30:6 - 31:1; 31:8 - 33:10; 34:3 - 39:22; 87:15 - 88:4; 88:16 - 89:6; 92:20 - 93:7; 95:1 - 95:18; 96:19 - 98:5; 98:23 - 99:8; 106:15 - 106:22; 107:4 - 107:19; 108:10 - 109:13; 114:20 - 115:10; 125:4 - 125:8; 125:20 - 127:11
Swint, Kevin	10/8/2010	6:4 - 6:8; 7:3 - 7:15; 15:13 - 16:7; 21:22 - 22:7; 24:7 - 24:21; 26:17 - 27:5; 45:15 - 54:9; 55:21 - 56:10; 59:11 - 62:14; 65:9 - 65:20; 66:18 - 67:15; 72:13 - 77:5; 78:20 - 79:8; 103:12 - 103:16; 113:6 - 115:14; 116:22 - 117:22; 121:1 - 127:16
Tran, Mark	11/17/2010	7:3 - 7:6; 8:12 - 8:15; 11:12 - 11:22; 11:22 - 12:7; 14:17 - 14:21; 15:19 - 15:22; 95:4 - 96:7; 96:19 - 97:4; 97:5 - 98:11; 98:12 - 101:5; 101:6 - 102:15; 106:16 - 107:1; 115:11 - 116:10; 116:11 - 116:22; 117:7 - 117:22; 135:14 - 136:11; 136:12 - 136:17; 136:18 - 138:18
Van der Meulen, Jorrit	5/12/2010	7:4 - 7:12; 7:21 - 8:8; 11:2 - 11:7; 16:14 - 16:16; 20:12 - 20:20; 23:17 - 24:7; 32:1 - 32:9; 44:8 - 45:1; 47:16 - 49:22; 85:16 - 85:20; 90:4 - 91:13; 176:3 - 180:5; 191:21 - 193:17; 199:9 - 217:4; 217:4 - 219:16; 228:7 - 228:14; 232:7 - 235:9
Vazquez, Raul	11/3/2010	5:4 - 5:9; 6:11 - 7:11; 13:6 - 14:2; 21:7 - 21:17; 27:1 - 27:7; 28:4 - 29:16; 53:10 - 54:17; 56:5 - 56:14; 63:7 - 64:10; 64:10 - 70:17; 72:18 - 73:5; 75:6 - 75:17; 83:3 - 83:11; 84:8 - 84:19; 93:18 - 94:7; 94:17 - 95:16; 102:18 - 103:12; 104:20 - 107:9; 108:9 - 112:18

### III. WRITTEN DISCOVERY DESIGNATIONS

Defendant Netflix, Inc. hereby designates the following written discovery responses for use at trial in this action, while reserving its right to use additional written discovery responses not listed below for “impeachment or rebuttal” purpose and to use any written discovery responses designated by Plaintiffs for any purpose:

1. Responses to Plaintiffs’ First Interrogatories Directed to Walmart.com USA LLC, dated September 18, 2009
2. Responses to Plaintiffs’ First Interrogatories Directed to Wal-Mart Stores, Inc., dated September 18, 2009

1           3.       Plaintiff Bryan Eastman's Responses and Objections to Defendant Netflix's First  
2 Set of Interrogatories, dated February 09, 2010

3           4.       Plaintiff Amy Latham's Responses and Objections to Defendant Netflix's First  
4 Set of Interrogatories, dated February 09, 2010

5           5.       Plaintiff Stan Magee's Responses and Objections to Defendant Netflix's First Set  
6 of Interrogatories, dated February 09, 2010

7           6.       Plaintiff Michael Orozco's Responses and Objections to Defendant Netflix's First  
8 Set of Interrogatories, dated February 09, 2010

9           7.       Plaintiff Andrea Resnick's Responses and Objections to Defendant Netflix's First  
10 Set of Interrogatories, dated February 09, 2010

11          8.       Plaintiff Melanie Salvi's Responses and Objections to Defendant Netflix's First  
12 Set of Interrogatories, dated February 09, 2010

13          9.       Plaintiff Liza Sivek's Responses and Objections to Defendant Netflix's First Set  
14 of Interrogatories, dated February 09, 2010

15          10.      Plaintiff Michael Wiener's Responses and Objections to Defendant Netflix's First  
16 Set of Interrogatories, dated February 09, 2010

17          11.      Netflix, Inc.'s Response to Interrogatories by Plaintiffs Stan Magee and Rosemary  
18 Pierson, dated October 18, 2010

19          12.      Bryan Eastman's Responses and Objections to Defendant Netflix's Second Set of  
20 Interrogatories to All Plaintiffs (Nos. 10-25), dated October 20, 2010

21          13.      Amended Bryan Eastman's Responses and Objections to Defendant Netflix's  
22 Second Set of Interrogatories to All Plaintiffs (Nos. 10-25), dated October 21, 2010

23          14.      Amy Latham's Responses and Objections to Defendant Netflix's Second Set of  
24 Interrogatories to All Plaintiffs (Nos. 10-25), dated October 20, 2010

25          15.      Stan Magee's Responses and Objections to Defendant Netflix's Second Set of  
26 Interrogatories to All Plaintiffs (Nos. 10-25), dated October 20, 2010

27          16.      Michael Orozco's Responses and Objections to Defendant Netflix's Second Set of  
28 Interrogatories to All Plaintiffs (Nos. 10-25), dated October 20, 2010

1 17. Andrea Resnick's Responses and Objections to Defendant Netflix's Second Set of  
2 Interrogatories to All Plaintiffs (Nos. 10-25), dated October 20, 2010

3 18. Melanie Salvi's Responses and Objections to Defendant Netflix's Second Set of  
4 Interrogatories to All Plaintiffs (Nos. 10-25), dated October 20, 2010

5 19. Liza Sivek's Responses and Objections to Defendant Netflix's Second Set of  
6 Interrogatories to All Plaintiffs (Nos. 10-25), dated October 20, 2010

7 20. Michael Wiener's Responses and Objections to Defendant Netflix's Second Set of  
8 Interrogatories to All Plaintiffs (Nos. 10-25), dated October 20, 2010

9 21. Netflix Plaintiffs' Amended Responses and Objections to Defendant Netflix Inc.'s  
10 Second Set of Interrogatories to All Plaintiffs (Nos. 17-25), dated December 06, 2010

11 22. Netflix Plaintiffs' Supplemental Responses and Objections to Defendant Netflix  
12 Inc.'s Second Set of Interrogatories to All Plaintiffs (Nos. 17-25), dated June 20, 2011

13 23. Plaintiff Daniel Kaffer's Consolidated Responses and Objections to Defendant  
14 Netflix's First Set of Interrogatories to the Blockbuster Class Plaintiffs and Defendant Netflix's  
15 Second Set of Interrogatories to All Plaintiffs (Nos. 10-25), dated October 20, 2010

16 24. Plaintiff Jason Lawton's Consolidated Responses and Objections to Defendant  
17 Netflix's First Set of Interrogatories to the Blockbuster Class Plaintiffs and Defendant Netflix's  
18 Second Set of Interrogatories to All Plaintiffs (Nos. 10-25), dated October 20, 2010

19 25. Plaintiff Alan Levy's Consolidated Responses and Objections to Defendant  
20 Netflix's First Set of Interrogatories to the Blockbuster Class Plaintiffs and Defendant Netflix's  
21 Second Set of Interrogatories to All Plaintiffs (Nos. 10-25), dated October 20, 2010

22 26. Plaintiff Justin Meadows's Consolidated Responses and Objections to Defendant  
23 Netflix's First Set of Interrogatories to the Blockbuster Class Plaintiffs and Defendant Netflix's  
24 Second Set of Interrogatories to All Plaintiffs (Nos. 10-25), dated October 20, 2010

25 27. Plaintiff Rosemary Pierson's Consolidated Responses and Objections to  
26 Defendant Netflix's First Set of Interrogatories to the Blockbuster Class Plaintiffs and Defendant  
27 Netflix's Second Set of Interrogatories to All Plaintiffs (Nos. 10-25), dated October 20, 2010  
28

28. Plaintiff Rebecca Silverman's Consolidated Responses and Objections to Defendant Netflix's First Set of Interrogatories to the Blockbuster Class Plaintiffs and Defendant Netflix's Second Set of Interrogatories to All Plaintiffs (Nos. 10-25), dated October 20, 2010

29. Blockbuster Plaintiffs Amended Responses and Objections to Defendant Netflix Inc.'s Second Set of Interrogatories to All Plaintiffs (Nos. 17-25), dated December 06, 2010

30. Wal-Mart Defendants' Responses to Netflix's Request for Admissions, dated February 17, 2011

#### IV. TRIAL EXHIBITS

Defendant Netflix, Inc. hereby designates the following documents as exhibits for use at trial, while reserving its right, pursuant to Pretrial Order No. 4, to use additional exhibits at trial for rebuttal, impeachment, or illustrative purposes and to use any exhibit listed on Plaintiffs' trial exhibit list for any purpose:

Trial Ex. No.	Bates Range/Depo Ex. No.	Substance and Purpose	Sponsoring Witness
N-001	AMZ 00001- AMZ 00009	Promotion agreement with DVD seller	Stabingas, Mark Hastings, Reed Netflix Custodian of Records
N-002	NETFLIX_CORPORATE_00007779 - NETFLIX_CORPORATE_00007792	Promotion agreement with DVD seller	Netflix Custodian of Records Hastings, Reed
N-003	NETFLIX_KILGORE_00986911- NETFLIX_KILGORE_00986937	Promotion agreement with DVD seller	Netflix Custodian of Records Hastings, Reed
N-004	WMHOe-000701-006-00003562; Depo Ex. 519 Sussman	Communication re Wal-Mart DVD Rental ("DVDR") Business	Wal-Mart Custodian of Records Sussman, Ari
N-005	WMHOe-770047-001-00000945- WMHOe-770047-001-00000946	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Sevick, Matthew
N-006	NETFLIX_CORPORATE_00002919 - NETFLIX_CORPORATE_00003028	Board Presentation re Netflix DVDR Business	Netflix Custodian of Records Hastings, Reed
N-007	NETFLIX_CORPORATE_00000049 - NETFLIX_CORPORATE_00000059	Board Minutes re Netflix DVDR Business	Netflix Custodian of Records Hastings, Reed
N-008	WMHOe-001421-002-00002417	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions

1	N-009	WMHOe-100768-002-00001437- WMHOe-100768-002-00001438	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Swint, Kevin
2				
3	N-010	WMHOe-770047-002-00037442- WMHOe-770047-002-00037481	Presentation re Wal-Mart DVDR business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Sussman, Ari
4				
5	N-011	WMHOe-100768-002-00000152- WMHOe-100768-002-00000154	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
6				
7	N-012	NETFLIX_IR_00000383- NETFLIX_IR_00000396	Conference call transcript re Netflix DVDR business	Netflix Custodian of Records Hastings, Reed McCarthy, Barry
8				
9	N-013	WMHOe-100772-001-00003839- WMHOe-100772-001-00003840	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
10				
11	N-014	WMHOe-100779-003-00003584- WMHOe-100779-003-00003593	Presentation re Wal-Mart DVDR business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
12				
13	N-015	NETFLIX_BECKER_00069934- NETFLIX_BECKER_00069974	Presentation re Netflix DVDR Business	Netflix Custodian of Records Hastings, Reed Kilgore, Leslie
14				
15	N-016	WMHOe-770047-045-00043868- WMHOe-770047-045-00043870	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
16				
17	N-017	AMZ 00801- AMZ 00802	Amazon Communication re Wal-Mart DVDR Business	Van der Meulen, Jorrit
18				
19	N-018	WMHOe-100768-002-00001285	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
20				
21	N-019	WMHOe-000701-006-00006063- WMHOe-000701-006-00006090	Presentation re Wal-Mart DVDR business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Sussman, Ari
22				
23	N-020	WMHOe-100768-002-00000265- WMHOe-100768-002-00000266	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
24				
25	N-021	WMHOe-100768-002-00000531	Wal-Mart Communication re Netflix DVDR business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
26				
27	N-022	WMHOe-100779-003-00002059	Communication re Wal-Mart DVDR business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
28				
	N-023	AMZ 00437- AMZ 00440	Amazon Communication re DVDR Business	Van der Meulen, Jorrit
	N-024	AMZ 00974- AMZ 00978	Amazon Communication re DVDR Business	Van der Meulen, Jorrit
	N-025	WMHOe-100768-002-00001633- WMHOe-100768-002-00001635	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions

1	N-026	AMZ 00979- AMZ 00981	Amazon Communication re DVDR Business	Van der Meulen, Jorrit
2	N-027	AMZ 00991- AMZ 01001	Amazon Communication re Netflix DVDR business	Van der Meulen, Jorrit
3	N-028	Deposition Exs. 8 Kilgore, 1012 Evangelist	Press release re Blockbuster ("BBI") DVDR business	Evangelist, Shane Stevenson, Bryan
4	N-029	AMZ 00592- AMZ 00594	Amazon Communication re BBI and NFLX DVDR businesses	Van der Meulen, Jorrit
5	N-030	WMHOe-100768-002-00001698	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
6	N-031	NETFLIX_SARANDOS_00083847	Communication re Netflix DVDR business	Netflix Custodian of Records Hastings, Reed Kilgore, Leslie
7	N-032	NETFLIX_SARANDOS_00038214- NETFLIX_SARANDOS_00038236	Communication re Netflix DVDR business	Netflix Custodian of Records Hastings, Reed Kilgore, Leslie
8	N-033	NETFLIX_CORPORATE_00000105 - NETFLIX_CORPORATE_00000106 ; NETFLIX_CORPORATE_R_00000107- NETFLIX_CORPORATE_R_00000108	Board Minutes re Netflix DVDR business	Netflix Custodian of Records Hastings, Reed McCarthy, Barry
9	N-034	NETFLIX_MINTZ_00048128- NETFLIX_MINTZ_00048143	Communication re Netflix DVDR business	Netflix Custodian of Records Hasting, Reed
10	N-035	NETFLIX_MCCARTHY_00295996	Communication re promotion with DVD seller	Netflix Custodian of Records Hastings, Reed McCarthy, Barry
11	N-036	WMHOe-100768-002-00001829	Communication re Netflix DVDR business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
12	N-037	WMHOe-770047-002-00000437- WMHOe-770047-002-00000438	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
13	N-038	NETFLIX_HASTINGS_00001569	Communication re promotion with DVD seller	Netflix Custodian of Records Hastings, Reed
14	N-039	AMZ 00716- AMZ 00718	Amazon Communication re Wal-Mart DVDR Business	Van der Meulen, Jorrit
15	N-040	WMHOe-100768-002-00005114	Communication re DVDR business	Wal-Mart Custodian of Records
16	N-041	WMHOe-100768-002-00002637- WMHOe-100768-002-00002643	Potential agreement between Wal-Mart and Yahoo! re DVDR business	Wal-Mart Custodian of Records Sussman, Ari Swint, Kevin
17	N-042	NETFLIX_BECKER_00062892- NETFLIX_BECKER_00062900	Presentation re Netflix DVDR Business	Netflix Custodian of Records Kilgore, Leslie
18	N-043	NETFLIX_HUNT_00129628- NETFLIX_HUNT_00129652	Presentation re Netflix DVDR Business	Netflix Custodian of Records Hastings, Reed
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1	N-044	WMHOe-100772-001-00003359	Communication re potential agreement between Yahoo! and Wal-Mart re Wal-Mart DVDR business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
2	N-045	WMHOe-100768-002-00004580- WMHOe-100768-002-00004582	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
3	N-046	WMHOe-100768-002-00004958	Communication re Wal-Mart DVDR business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Sevick, Matthew Sussman, Ari
4	N-047	NETFLIX_SARANDOS_00083768	Communication re Netflix DVDR business	Netflix Custodian of Records Hastings, Reed
5	N-048	WMHOe-100768-002-00004764	Communication re BBI DVDR business and Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Swint, Kevin
6	N-049	P-02789- P-02790	BBI press release re BBI DVDR business	Evangelist, Shane Stevenson, Bryan
7	N-050	WMHOe-100768-002-00003192- WMHOe-100768-002-00003194	Communication re BBI DVDR business and Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
8	N-051	WMHOe-100768-002-00005183- WMHOe-100768-002-00005184	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Sussman, Ari
9	N-052	WMHOe-770047-056-00029716	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Vazquez, Raul
10	N-053	WMHOe-770047-056-00029106	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Sussman, Ari
11	N-054	WMHOe-770047-012-00000213- WMHOe-770047-012-00000214	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Sussman, Ari Swint, Kevin
12	N-055	WMHOe-770047-012-00000272- WMHOe-770047-012-00000273	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Fleming, John Sussman, Ari Swint, Kevin
13	N-056	WMHOe-001421-002-00000190	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Fleming, John Sussman, Ari
14	N-057	NETFLIX_SARANDOS_00083765	Communication re Netflix DVDR business	Netflix Custodian of Records Hastings, Reed

1	N-058	WMHOe-100768-002-00002030	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Fleming, John Sussman, Ari Vazquez, Raul
2	N-059	WMHOe-100768-002-00002064- WMHOe-100768-002-00002065	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
3	N-060	NETFLIX_MCCARTHY_00348982	Communication re Netflix DVDR business	Netflix Custodian of Records McCarthy, Barry
4	N-061	WMHOe-770047-004-00000093	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
5	N-062	WMHOe-100768-002-00005110- WMHOe-100768-002-00005111	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
6	N-063	NETFLIX_CORPORATE_R_00006689- NETFLIX_CORPORATE_R_00006755	Presentation re Netflix DVDR Business	Netflix Custodian of Records Hastings, Reed
7	N-064	NETFLIX_RENDICH_00379112- NETFLIX_RENDICH_00379156	Presentation re Netflix DVDR Business	Netflix Custodian of Records
8	N-065	WMHOe-100768-002-00000348- WMHOe-100768-002-00000349	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
9	N-066	WMHOe-100779-001-00000122	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
10	N-067	NETFLIX_ZIEGLER_00007911	Netflix Communication re Wal-Mart DVDR Business	Netflix Custodian of Records Hastings, Reed
11	N-068	NETFLIX_BECKER_00062864	Netflix Communication re Wal-Mart DVDR Business	Netflix Custodian of Records Becker, Jessica Teitz
12	N-069	WMHOe-770047-025-00000121- WMHOe-770047-025-00000122	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records
13	N-070	WMHOe-100768-002-00005013- WMHOe-100768-002-00005014	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
14	N-071	WMHOe-100768-002-00006095- WMHOe-100768-002-00006096	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Sussman, Ari
15	N-072	WMHOe-001421-002-00000179	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Fleming, John
16	N-073	NETFLIX_HUNT_00392795- NETFLIX_HUNT_00392799	Communication re Netflix DVDR business	Netflix Custodian of Records Hastings, Reed
17	N-074	WMHOe-100768-002-00007667	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions



1	N-075	NETFLIX_HASTINGS_00003577	Communication re promotion with DVD seller	Netflix Custodian of Records Hastings, Reed
2	N-076	WMHOe-100768-002-00003978-WMHOe-100768-002-00003979	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Swint, Kevin
3	N-077	WMHOe-100768-002-00006470	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
4	N-078	WMHOe-001421-002-00000259	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
5	N-079	WMHOe-100768-002-00002851-WMHOe-100768-002-00002852	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Swint, Kevin
6	N-080	WMHOe-100768-002-00007008	Communication re Promotion Agreement ("JPA") negotiations	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Sussman, Ari
7	N-081	WMHOe-000732-001-00000001	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Fleming, John Sussman, Ari
8	N-082	WMHOe-000732-001-00000001-WMHOe-000732-001-00000008	Communication re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Nave, Steven
9	N-083	WMHOe-001421-002-00000240	Communication re JPA negotiations	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Fleming, John
10	N-084	WMHOe-100768-002-00009062	Communication re JPA negotiations	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
11	N-085	WMHOe-001421-002-00000232	Communication re JPA negotiations	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Fleming, John
12	N-086	NETFLIX_SAVAGE_00081439	Communication re JPA negotiations	Netflix Custodian of Records Kilgore, Leslie
13	N-087	NETFLIX_SAVAGE_00271273-NETFLIX_SAVAGE_00271274	Communication re JPA negotiations	Netflix Custodian of Records Kilgore, Leslie
14	N-088	WMHOe-001421-002-00000285-WMHOe-001421-002-00000286	Communication re JPA negotiations	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Sussman, Ari
15	N-089	WMHOe-000729-001-00038544	Communication re JPA negotiations	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
16	N-090	BLOCKBUSTER 0007849-BLOCKBUSTER 0007859	Presentation re BBI DVDR business	Antioco, John Stevenson, Bryan
17	N-091	NETFLIX_KILGORE_00251755	Netflix communication re Blockbuster DVDR business	Netflix Custodian of Records Hastings, Reed
18	N-092	NETFLIX_KILGORE_00000137-NETFLIX_KILGORE_00000140	Communication re JPA negotiations	Netflix Custodian of Records

1	N-093	WMHOe-100768-002-00008230	Communication re JPA negotiations	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
2				
3	N-094	NETFLIX_CORPORATE_00000115 - NETFLIX_CORPORATE_00000123	Board Minutes re Netflix DVDR business	Netflix Custodian of Records Hastings, Reed
4	N-095		SEC Form 10-K Netflix, Inc. for FY ended December 31, 2004	Netflix Custodian of Records Hastings, Reed
5				
6	N-096	WMHOe-100768-002-00007606- WMHOe-100768-002-00007607	Communication re Wal-Mart DVDR business and JPA negotiations	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Fleming, John
7				
8	N-097	WMHOe-001421-002-00000249	Communication re JPA negotiations	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Fleming, John
9				
10	N-098	NETFLIX_BECKER_00061377	Communication re JPA negotiations	Netflix Custodian of Records Hastings, Reed
11	N-099	NETFLIX_BECKER_00061373	Communication re JPA negotiations	Netflix Custodian of Records Hastings, Reed
12	N-100	WMHOe-100768-002-00005913- WMHOe-100768-002-00005915	Communication re JPA negotiations	Wal-Mart Custodian of Records Sussman, Ari
13				
14	N-101	WMHOe-001421-002-00000272	Communication re JPA negotiations	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Fleming, John
15				
16	N-102	WMHOe-100768-002-00000020- WMHOe-100768-002-00000021	Communication re JPA negotiations	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Sussman, Ari
17				
18	N-103	BLOCKBUSTER 0007934- BLOCKBUSTER 0007960	Presentation re BBI DVDR business	Stevenson, Bryan
19	N-104	WMHOe-100768-002-00000022- WMHOe-100768-002-00000024	Communication re JPA negotiations	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
20				
21	N-105	WMHOe-000701-008-00000973- WMHOe-000701-008-00000974	Communication re Wal-Mart DVDR business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
22				
23	N-106	WMHOe-001421-002-00000235- WMHOe-001421-002-00000236	Communication re JPA	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Nave, Steven
24				
25	N-107	WMHOe-001407-038-00000111- WMHOe-001407-038-00000112	Communication re Wal-Mart DVDR business and JPA negotiations	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Nave, Steven
26				
27	N-108	WMHOe-770037-003-01572905	Communication re Wal-Mart DVDR business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Nave, Steven
28				

1	N-109	WMHOe-100780-004-00000001- WMHOe-100780-004-00000003	Communication re Wal-Mart DVDR business and JPA negotiations	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Nave, Steven
2	N-110	NETFLIX_BECKER_01771105- NETFLIX_BECKER_01771114	Promotion Agreement between Wal-Mart.com USA, LLC and Netflix	Netflix Custodian of Records Becker, Jessica Teitz Kilgore, Leslie Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Fleming, John Sussman, Ari
3	N-111	NETFLIX_BBIPublic_00000012- NETFLIX_BBIPublic_00000016	Press release re Blockbuster ("BBI") DVDR business	Netflix Custodian of Records Stevenson, Bryan
4	N-112	NETFLIX_BECKER_00951790	Communication re JPA	Netflix Custodian of Records Becker, Jessica Teitz
5	N-113	WMHOe-100768-002-00007033- WMHOe-100768-002-00007034	Communication re JPA	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
6	N-114	NETFLIX_ROSS_00667997- NETFLIX_ROSS_00668010	Communication re JPA	Netflix Custodian of Records Hastings, Reed Kilgore, Leslie Becker, Jessica Teitz McCarthy, Barry
7	N-115	NETFLIX_CRAWFORD_00043104 - NETFLIX_CRAWFORD_00043105	Communication re JPA	Netflix Custodian of Records McCarthy, Barry
8	N-116	NETFLIX_CRAWFORD_00043102	Communication re JPA	Netflix Custodian of Records McCarthy, Barry
9	N-117	Deposition Ex. N-81 Evangelist	Netflix Press release re JPA	Netflix Custodian of Records Hastings, Reed McCarthy, Barry
10	N-118	NF-AR-00004- NF-AR-00005	Communication re JPA	Resnick, Andrea
11	N-119	NETFLIX_XFILES_03950595- NETFLIX_XFILES_03950607	Communication re Netflix DVDR business	Netflix Custodian of Records Hastings, Reed McCarthy, Barry
12	N-120		Webpage: Yahoo! Finance- Historical Prices for Netflix, Inc. stock May 18-20, 2005	Hastings, Reed McCarthy, Barry Judicially Noticeable
13	N-121	NETFLIX_RENDICH_00025409	Communication re JPA	Netflix Custodian of Records Becker, Jessica Teitz
14	N-122	WMHOe-400035-001-00000140- WMHOe-400035-001-00000150	Communication with FTC re JPA	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
15	N-123	BLOCKBUSTER 0007168- BLOCKBUSTER 0007213	Presentation re BBI DVDR business	Stevenson, Bryan
16	N-124	NETFLIX_MINTZ_00003296- NETFLIX_MINTZ_00003334	Communication re Netflix DVDR business	Netflix Custodian of Records Kilgore, Leslie

1	N-125	BB00252813- BB00252820	BBi Draft Q&A re BBI DVDR business	Tran, Mark
2	N-126	NETFLIX_BBIPublic_00000019	BBi press release re BBI DVDR business	Stevenson, Bryan
3	N-127	Deposition Ex. N-77 Evangelist	BBi Statement re BBI DVDR business	Antioco, John
4	N-128	NETFLIX_BBIPublic_00000020- NETFLIX_BBIPublic_00000027	BBi Statement re BBI DVDR business	Stevenson, Bryan
5	N-129	NETFLIX_BBIPublic_00000028	BBi Statement re BBI DVDR business	Stevenson, Bryan
6	N-130	NETFLIX_BBIPublic_00000029	BBi Statement re BBI DVDR business	Stevenson, Bryan
7	N-131	NETFLIX_HUNT_00002490- NETFLIX_HUNT_00002504	Netflix internal document re Netflix DVDR business	Netflix Custodian of Records
8	N-132	BLOCKBUSTER 0004537- BLOCKBUSTER 0004552	Presentation re BBI DVDR business	Stevenson, Bryan
9	N-133	NETFLIX_SARANDOS_00730170	Communication re Netflix survey of customers re interest in purchasing new DVDs	Netflix Custodian of Records
10	N-134	NETFLIX_XFILES_00007147- NETFLIX_XFILES_00007153	Netflix survey of customers re interest in purchasing new DVDs	Netflix Custodian of Records
11	N-135	NETFLIX_XFILES_00007154 - NETFLIX_XFILES_00007156	Results of Netflix survey re interest in purchasing new DVDs	Netflix Custodian of Records
12	N-136	WMHOe-100780-003-00000398	Wal-Mart internal document re Wal-Mart DVDR Business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Nave, Steven
13	N-137	BLOCKBUSTER 0007123- BLOCKBUSTER 0007143	Presentation re BBI DVDR business	Stevenson, Bryan
14	N-138		SEC Form 10-K Netflix, Inc. for FY ended December 31, 2005	Netflix Custodian of Records Hastings, Reed
15	N-139	WMHOe-100779-003-00001935	Wal-Mart internal document re Wal-Mart video streaming Business	Wal-Mart Custodian of Records Vazquez, Raul
16	N-140	NETFLIX_MCCARTHY_00046000	Communication re Netflix DVDR business	Netflix Custodian of Records McCarthy, Barry
17	N-141	NETFLIX_CORPORATE_00004269 - NETFLIX_CORPORATE_00004486	Presentation re Netflix DVDR Business	Netflix Custodian of Records Hastings, Reed
18	N-142	NETFLIX_KILGORE_00099234	Communication re Netflix DVDR business	Netflix Custodian of Records Hastings, Reed
19	N-143	Deposition Exs. 33 Kilgore, 295 Sarandos	Netflix statement re Netflix DVDR business	Kilgore, Leslie
20	N-144	NETFLIX_SAVAGE_00150704- NETFLIX_SAVAGE_00150705	Communication re Netflix DVDR business	Netflix Custodian of Records Becker, Jessica Teitz Hastings, Reed
21	N-145	NETFLIX_BECKER_00291748- NETFLIX_BECKER_00291810	Presentation re Netflix DVDR Business	Netflix Custodian of Records
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1	N-146	NF-BE-00021	Communication re plaintiff class representative	Eastman, Bryan
2	N-147	NETFLIX_SARANDOS_00010007- NETFLIX_SARANDOS_00010013	Communication re Netflix DVDR business	Netflix Custodian of Records Hastings, Reed
3	N-148	NETFLIX_HASTINGS_00039294- NETFLIX_HASTINGS_00039295	Communication re Netflix DVDR business and Redbox DVDR business	Netflix Custodian of Records Hastings, Reed
4	N-149	NETFLIX_HASTINGS_00511778- NETFLIX_HASTINGS_00511873	Presentation re Netflix DVDR Business	Netflix Custodian of Records
5	N-150	NETFLIX_HASTINGS_00038106- NETFLIX_HASTINGS_00038107	Communication re 28-day window for new releases	Netflix Custodian of Records Reed Hastings
6	N-151	NETFLIX_HASTINGS_00024583- NETFLIX_HASTINGS_00024585	Communication re 28-day window for new releases	Netflix Custodian of Records
7	N-152	NETFLIX_ROSS_00012015	Communication re 28-day window for new releases	Netflix Custodian of Records Reed Hastings
8	N-153	NETFLIX_SWASEY_00043572- NETFLIX_SWASEY_00043574	Netflix statement re Netflix DVDR business	Netflix Custodian of Records Reed Hastings
9	N-154	NETFLIX_WSGR_00000044	Communication with Attorney General JPA	Netflix Custodian of Records
10	N-155	Deposition Ex. 193 McCarthy	Statement re non-materiality of JPA	McCarthy, Barry
11	N-156		Netflix statement re Netflix DVDR business	McCarthy, Barry Hastings, Reed
12	N-157		Netflix Letter to Shareholders re Netflix DVDR business	Netflix Custodian of Records Reed Hastings
13	N-158		In Re Online Rental Antitrust Litigation, Expert Report of Dr. Mary Coleman (Revised May 12, 2011), including errata	Coleman, Mary
14	N-159		In Re Online Rental Antitrust Litigation, Expert Report of Dr. Dominique M. Hanssens, including errata	Hanssens, Dominique
15	N-160		In Re Online Rental Antitrust Litigation, Expert Report of Janusz A. Ordovery, including errata	Ordovery, Janusz
16	N-161	Deposition Ex. 5 Kilgore	Netflix internal document re Netflix DVDR business	Kilgore, Leslie
17	N-162	WMHOe-100768-001-00015459- WMHOe-100768-001-00015481	Wal-Mart Analysis re Wal-Mart DVDR business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Sussman, Ari
18	N-163	WMHOe-100768-001-00009784- WMHOe-100768-001-00009787	Wal-Mart Analysis re Wal-Mart DVDR business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions Sussman, Ari
19	N-164	WMHOe-100768-001-00012617- WMHOe-100768-001-00013676_Confidential.xls	Wal-Mart Analysis re Wal-Mart DVDR business	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions



1	N-165	NETFLIX_BECKER_00035704- NETFLIX_BECKER_00035705	Netflix promotion of Wal-Mart	Netflix Custodian of Records Hastings, Reed
2	N-166	NETFLIX_BECKER_00541439- NETFLIX_BECKER_00541441	Netflix internal document re Netflix DVDR business	Netflix Custodian of Records Hastings, Reed
3	N-167	NETFLIX_CORPFILES0004734- NETFLIX_CORPFILES0004745	Netflix data from survey of cancelling subscribers	Netflix Custodian of Records Hastings, Reed Kilgore, Leslie
4	N-168	NETFLIX_HUNT_00605963- NETFLIX_HUNT_00606044	Presentation re Netflix DVDR Business	Netflix Custodian of Records Hastings, Reed
5	N-169	NETFLIX_MCCARTHY_00032813 - NETFLIX_MCCARTHY_00032843	Netflix internal document re Netflix DVDR business	Netflix Custodian of Records Hastings, Reed
6	N-170	NETFLIX_MCCARTHY_00291740 - NETFLIX_MCCARTHY_00291763	Netflix internal document re Netflix DVDR business	Netflix Custodian of Records Hastings, Reed
7	N-171	NETFLIX_SARANDOS_00000020- NETFLIX_SARANDOS_00000022	Netflix internal document re Netflix DVDR business	Netflix Custodian of Records Hastings, Reed
8	N-172	NETFLIX_XFILES_00007166- NETFLIX_XFILES_00007169	Netflix internal document re Netflix DVDR business	Netflix Custodian of Records Hastings, Reed
9	N-173	WMHOe-100779-003-00003657	Wal-Mart internal document re Wal-Mart DVDR Business and JPA	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
10	N-174	WMHOe-100779-004-00000015	Wal-Mart internal document re Wal-Mart DVDR Business and JPA	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
11	N-175	WMHOe-100779-004-00000058	Wal-Mart statement re Wal-Mart DVDR Business and JPA	Wal-Mart Custodian of Records Wal-Mart's Responses to Netflix's Request for Admissions
12	N-176	NF-MO-00001- NF-MO-00003	Plaintiff class representative records	Orozco, Michael
13	N-177	NF-SM-00001	Plaintiff class representative records	Magee, Stan
14	N-178	NETFLIX_MAGEE_00000001	Plaintiff class representative records	Magee, Stan
15	N-179	NF-AR-00006- NF-AR-00015	Plaintiff class representative records	Resnick, Andrea
16	N-180	NETFLIX_RESNICK_00000001- NETFLIX_RESNICK_00000003	Plaintiff class representative records	Resnick, Andrea
17	N-181	NF-LS-00001- NF-LS-00003	Plaintiff class representative records	Sivek, Liza
18	N-182	NF-AL-00001- NF-AL-00002; NF-AL-00069- NF-AL-00073	Plaintiff class representative records	Latham, Amy
19	N-183	NF-AL-00029- NF-AL-00035	Plaintiff class representative records	Latham, Amy
20	N-184	NF-AL-00086- NF-AL-00087	Plaintiff class representative records	Latham, Amy
21	N-185	NF-AL-00074- NF-AL-00075	Plaintiff class representative records	Latham, Amy
22	N-186	NF-AL-00088- NF-AL-00089	Plaintiff class representative records	Latham, Amy
23	N-187	NF-MW-0001- NF-MW-0006	Plaintiff class representative records	Wiener, Michael

1	N-188	NF-BE-00001- NF-BE-00002	Plaintiff class representative records	Eastman, Bryan
2	N-189	NF-MM-00004- NF-MM-00029	Plaintiff class representative records	Salvi, Melanie
3	N-190		Market Trial: Amazon	Hastings, Reed Kilgore, Leslie Judicially Noticeable
4	N-191		Market Trial: Amazon- Google TV	Hastings, Reed Kilgore, Leslie Judicially Noticeable
5	N-192		Market Trial: Blockbuster Express	Hastings, Reed Kilgore, Leslie Judicially Noticeable
6	N-193		Market Trial: Comcast	Hastings, Reed Kilgore, Leslie Judicially Noticeable
7	N-194		Market Trial: DirecTV	Hastings, Reed Kilgore, Leslie Judicially Noticeable
8	N-195		Market Trial: HBOgo	Hastings, Reed Kilgore, Leslie Judicially Noticeable
9	N-196		Market Trial: HuluPlus	Hastings, Reed Kilgore, Leslie Judicially Noticeable
10	N-197		Market Trial: iTunes	Hastings, Reed Kilgore, Leslie Judicially Noticeable
11	N-198		Market Trial: iTunes- BigStar	Hastings, Reed Kilgore, Leslie Judicially Noticeable
12	N-199		Market Trial: Redbox	Hastings, Reed Kilgore, Leslie Judicially Noticeable
13	N-200		Market Trial: Redbox, Show Your Love	Hastings, Reed Kilgore, Leslie Judicially Noticeable
14	N-201		Market Trial: TimeWarner	Hastings, Reed Kilgore, Leslie Judicially Noticeable
15	N-202		Market Trial: Vudu	Hastings, Reed Kilgore, Leslie Judicially Noticeable
16	N-203		Market Trial: YouTube	Hastings, Reed Kilgore, Leslie Judicially Noticeable
17	N-204	Netflix Subscriber Data	Netflix Subscriber Data	Netflix Custodian of Records
18	N-205	Wal-Mart Subscriber Data	Wal-Mart Subscriber Data	Wal-Mart Custodian of Records
19	N-206		SEC Form 10-K Blockbuster, Inc. for FY ended December 31, 2006	Judicially Noticeable Stevenson, Bryan

1	N-207	NETFLIX_XFILES_03950279- NETFLIX_XFILES_03950295	Blockbuster Earnings Conference Call	Netflix Custodian of Records
2	N-208		SEC Form 10-K Blockbuster, Inc. for FY ended January 3, 2011	Judicially Noticeable Stevenson, Bryan
3	N-209		SEC Form 10-K Blockbuster, Inc. for FY ended January 2, 2012	Judicially Noticeable Stevenson, Bryan
4	N-210		Netflix Promotion of Wal- Mart	Becker, Jessica Teitz
5	N-211		Netflix Promotion of Wal- Mart	Becker, Jessica Teitz
6	N-212		Wal-Mart Promotion of Netflix	Becker, Jessica Teitz
7	N-213		DVD Rental Subscription Prices	Netflix Custodian of Records Wal-Mart Custodian of Records Evangelist, Shane Stevenson, Bryan
8	N-214		Responses to Plaintiffs' First Interrogatories Directed to Wal-Mart Stores	Written Discovery Response, No Sponsoring Witness Required
9	N-215		Responses to Plaintiffs' First Interrogatories Directed to Wal-Mart.com USA LLC	Written Discovery Response, No Sponsoring Witness Required
10	N-216		Plaintiff Bryan Eastman's Responses and Objections to Defendant Netflix's First Set of Interrogatories	Written Discovery Response, No Sponsoring Witness Required
11	N-217		Plaintiff Amy Latham's Responses and Objections to Defendant Netflix's First Set of Interrogatories	Written Discovery Response, No Sponsoring Witness Required
12	N-218		Plaintiff Stan Magee's Responses and Objections to Defendant Netflix's First Set of Interrogatories	Written Discovery Response, No Sponsoring Witness Required
13	N-219		Plaintiff Michael Orozco's Responses and Objections to Defendant Netflix's First Set of Interrogatories	Written Discovery Response, No Sponsoring Witness Required
14	N-220		Plaintiff Andrea Resnick's Responses and Objections to Defendant Netflix's First Set of Interrogatories	Written Discovery Response, No Sponsoring Witness Required
15	N-221		Plaintiff Melanie Salvi (Miscioscia)'s Responses and Objections to Defendant Netflix's First Set of Interrogatories	Written Discovery Response, No Sponsoring Witness Required
16	N-222		Plaintiff Liza Sivek's Responses and Objections to Defendant Netflix's First Set of Interrogatories	Written Discovery Response, No Sponsoring Witness Required



1	N-223	Plaintiff Michael Wiener's Responses and Objections to Defendant Netflix's First Set of Interrogatories	Written Discovery Response, No Sponsoring Witness Required
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3	N-224	Netflix's Response to Interrogatories by Plaintiffs Stan Magee and Rosemary Pierson	Written Discovery Response, No Sponsoring Witness Required
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5	N-225	Plaintiff Bryan Eastman's Responses and Objections to Defendant Netflix's Second Set of Interrogatories to All Plaintiffs (Nos. 10-25)	Written Discovery Response, No Sponsoring Witness Required
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8	N-226	Plaintiff Daniel Kaffer's Consolidated Responses and Objections to Defendant Netflix's First Set of Interrogatories to the Blockbuster Class Plaintiffs and Interrogatories to All Plaintiffs (Nos. 10-25)	Written Discovery Response, No Sponsoring Witness Required
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12	N-227	Plaintiff Amy Latham's Responses and Objections to Defendant Netflix's Second Set of Interrogatories to all Plaintiffs (Nos. 10-25)	Written Discovery Response, No Sponsoring Witness Required
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15	N-228	Plaintiff Jason Lawton's Consolidated Responses and Objections to Defendant Netflix's First Set of Interrogatories to the Blockbuster Class Plaintiffs and Interrogatories to All Plaintiffs (Nos. 10-25)	Written Discovery Response, No Sponsoring Witness Required
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19	N-229	Plaintiff Alan Levy's Consolidated Responses and Objections to Defendant Netflix's First Set of Interrogatories to the Blockbuster Class Plaintiffs and Interrogatories to All Plaintiffs (Nos. 10-25)	Written Discovery Response, No Sponsoring Witness Required
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24	N-230	Plaintiff Stan Magee's Responses and Objections to Defendant Netflix's Second Set of Interrogatories to All Plaintiffs (Nos. 10-25)	Written Discovery Response, No Sponsoring Witness Required
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1	N-231	Plaintiff Justin Meadows's Consolidated Responses and Objections to Defendant Netflix's First Set of Interrogatories to the Blockbuster Class Plaintiffs and Interrogatories to All Plaintiffs (Nos. 10-25)	Written Discovery Response, No Sponsoring Witness Required
2	N-232	Plaintiff Michael Orozco's Responses and Objections to Defendant Netflix's Second Set of Interrogatories to All Plaintiffs (Nos. 10-25)	Written Discovery Response, No Sponsoring Witness Required
3	N-233	Plaintiff Rosemary Pierson's Consolidated Responses and Objections to defendant Netflix's First Set of Interrogatories to the Blockbuster Class Plaintiffs and Interrogatories to All Plaintiffs (Nos. 10-25)	Written Discovery Response, No Sponsoring Witness Required
4	N-234	Plaintiff Andrea Resnick's Responses and Objections to Defendant Netflix's Second Set of Interrogatories to All Plaintiffs (Nos. 10-25)	Written Discovery Response, No Sponsoring Witness Required
5	N-235	Plaintiff Melanie Salvi's Responses and Objections to Defendant Netflix's Second Set of Interrogatories to All Plaintiffs (Nos. 10-25)	Written Discovery Response, No Sponsoring Witness Required
6	N-236	Plaintiff Rebecca Silverman's Consolidated Responses and Objections to Defendant Netflix's First set of Interrogatories to the Blockbuster Class Plaintiffs and Defendant Netflix's Second Set of Interrogatories to All Plaintiffs (Nos. 10-25)	Written Discovery Response, No Sponsoring Witness Required
7	N-237	Plaintiff Liza Sivek's Responses and Objections to Defendant Netflix's Second Set of Interrogatories to All Plaintiffs (Nos. 10-25)	Written Discovery Response, No Sponsoring Witness Required

1		Plaintiff Michael Weiner's Responses and Objections to Defendant Netflix's Second Set of Interrogatories to All Plaintiffs (Nos. 10-25)	Written Discovery Response, No Sponsoring Witness Required
2	N-238		
3		Plaintiff Bryan Eastman's Amended Responses and Objections to Defendant Netflix's Second Set of Interrogatories to All Plaintiffs (Nos. 10-25)	Written Discovery Response, No Sponsoring Witness Required
4	N-239		
5		Netflix Plaintiffs' Amended Responses and Objections to Defendant Netflix Inc.'s Second Set of Interrogatories to All Plaintiffs (Nos. 17-25)	Written Discovery Response, No Sponsoring Witness Required
6	N-240		
7		Wal-Mart Defendants' Responses to Netflix's Request for Admissions	Written Discovery Response, No Sponsoring Witness Required
8	N-241		
9		Netflix Plaintiffs' Supplemental Responses and Objections to Defendant Netflix Inc.'s Second Set of Interrogatories to All Plaintiffs (Nos. 17-25)	Written Discovery Response, No Sponsoring Witness Required
10	N-242		

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18 Dated: November 15, 2011

WILSON SONSINI GOODRICH & ROSATI  
PROFESSIONAL CORPORATION

19  
20 By: /s/ Jonathan M. Jacobson  
Jonathan M. Jacobson

21 *Attorneys for Defendant Netflix, Inc*